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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,094	02/08/2000	Russel D. Leatherman	2400-505	2120

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,094

Applicant(s)

LEATHERMAN ET AL.

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-35;49-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-35;49-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: 10.

DETAILED ACTION

Response to Amendment

1. Claims 29-35 and 49-55 remain open for prosecution.
2. The "Tandem Introduces..." articles disclose "video-on-demand" on page 2, paragraphs 9 and 10. Video on demand inherently incorporates interactive video, see Microsoft Dictionary, p. 497, video server: "a server designed to deliver digital video-on-demand and other broadband **interactive services** to the **public** over a **wide area network**." Interaction includes selection. It is to be noted that the article "Sun Targets Browsers Again" discloses a web browser at the gas pump (page 1, paragraph 3).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 29-35 and 49-55 are rejected under 35 U.S.C. 102 (e) as being unpatentable over the article in Business Wire: "Tandem Introduces Retail Industry's First Comprehensive Integrated Solution for Operation of Convenience Stores; " One - stop Shipping " for C-Stores Integrates Best-in -class POS, Back Office, and Central Systems on Microsoft Window NT Server."

As per claim 29,

A method of providing an interactive fueling operation comprising:

- providing an interactive graphical user interface at a fueling position on a fuel dispenser; / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....); Video on demand inherently incorporates interactive video, see Microsoft Dictionary, p. 497, video server: "a server designed to deliver digital video-on-demand and other broadband **interactive services** to the **public** over a **wide area network**."
- prompting a customer to select a service with the displayed information; / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)
- receiving a response from the customer identifying a selected service to be provided by the server; / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 10 (Windows NT.....)
- transferring the response from the dispenser to the server over the network; and / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)
- transmitting a service from the server over the network to the fueling position based on the customer response at the fueling position. / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)

As per claim 30,

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The method of Claim 29 wherein the delivery transfer and transmission are over the Internet. / para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)

As per claim 31,

The method of Claim 29 wherein the information displayed is advertising information. /

p. 2, para. 6 (advertising via the internet access) and para. 9

As per claim 32,

The method of Claim 29 wherein the information displayed is one of the group consisting of news, weather, sports, traffic updates and maps. / p. 2, para. 6 (one of this group can be accessed via the internet access) and para. 9

As per claim 33,

The method of Claim 29 wherein the information displayed is merchandising information providing the customer an opportunity to select from one or more items displayed. / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), note internet access to purchase, para. 9 (Among the), para. 10 (Windows NT.....)

As per claim 34,

The method of Claim 29 wherein the information displayed is live video information of a person communicating with the customer to provide a video intercom. / p. 1, para. 3 (When combined....); p. 2, para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)

As per claim 35,

The method of Claim 29 further including using hypertext markup language and

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hypertext transfer protocol to carryout the step of displaying, prompting, receiving, transferring and providing. / p. 2, para. 6 (The Tandem...) noting the internet access whereby obviously internet websites do use HTML.

As per claim 49,

A method of providing an interactive fueling operation comprising:

- providing an interactive graphical user interface at a fueling position on a fuel dispenser; / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....); Video on demand inherently incorporates interactive video, see Microsoft Dictionary, p. 497, video server: "a server designed to deliver digital video-on-demand and other broadband **interactive services** to the **public** over a **wide area network**."
- displaying information to a customer at the graphical user interface from a data source; / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)
- prompting a customer to select a service with the displayed information; / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)
- receiving a response from the customer identifying a selected service to be provided; / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 10 (Windows NT.....)

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-transmitting a service to the fueling position based on the customer response at the fueling position. / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)

As per claim 50,

The method of Claim 49 wherein the delivery transfer and transmission are over the Internet. / para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)

As per claim 51,

The method of Claim 49 wherein the information displayed is advertising information. / p. 2, para. 6 (advertising via the internet access) and para. 9

As per claim 52,

The method of Claim 49 wherein the information displayed is one of the group consisting of news, weather, sports, traffic updates and maps. / p. 2, para. 6 (one of this group can be accessed via the internet access) and para. 9

As per claim 53,

The method of Claim 49 wherein the information displayed is merchandising information providing the customer an opportunity to select from one or more items displayed. / p. 1, para. 3 (When combined....); p. 2, para. 4 (Both systems....), para. 6 (The Tandem....), note internet access to purchase, para. 9 (Among the), para. 10 (Windows NT.....)

As per claim 54,

The method of Claim 49 wherein the information displayed is live video information of a person communicating with the customer to provide a video intercom. / p. 1, para. 3

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(When combined....); p. 2, para. 6 (The Tandem....), para. 9 (Among the), para. 10 (Windows NT.....)

As per claim 55,

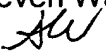
The method of Claim 49 further including using hypertext markup language and hypertext transfer protocol to carryout the step of displaying, prompting, receiving, transferring and providing. / p. 2, para. 6 (The Tandem...) noting the internet access whereby obviously internet websites do use HTML.

This action is FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak


11/3/02


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